

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AARON COHEN, on behalf of himself and all
others similarly situated,

Civil Action No. 2:15-cv-6828 (LDW)

Plaintiff,

DECLARATION

-against-

DITECH FINANCIAL LLC; ROSICKI, ROSICKI
& ASSOCIATES, P.C.,

Defendants.

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I, Carol A. Lastorino, pursuant to 28 U.S.C. § 1746, hereby declare the following:

1. I am an attorney duly admitted to practice law in the State of New York and in this Court. I am a member of the law firm, Rivkin Radler LLP, attorneys for Defendant, Rosicki, Rosicki & Associates (“Rosicki”), in the above-captioned matter. I submit this Declaration in support of the motion by Rosicki to dismiss the Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

2. I submit this Declaration to place true and accurate copies of the following documents before this Court:

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|-------------|------------------------------------------------------------------------------------------------|
| Exhibit “A” | Class Action Complaint filed December 1, 2015; |
| Exhibit “B” | Summons and Complaint dated March 11, 2015 with exhibits in state foreclosure action; |
| Exhibit “C” | Certificate of Merit Pursuant to CPLR 3012-b dated March 11, 2015 in state foreclosure action; |
| Exhibit “D” | Request for Judicial Intervention dated March 26, 2015 in state foreclosure action; |
| Exhibit “E” | Answer dated May 4, 2015 in state foreclosure action; |

Exhibit "F" Letter dated September 17, 2015 from Aaron Cohen to Ditech Financial LLC referenced in Complaint;

Exhibit "G" Letter dated September 23, 2015 from Ditech Financial LLC to Aaron Cohen referenced in Complaint.

3. Based upon the Notice of Motion, accompanying Memorandum of Law and the exhibits annexed hereto, it is respectfully requested that Rosicki's motion be granted and the Class Action Complaint be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) and for whatever further and different relief that the Court may deem just, proper and equitable.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Uniondale, New York
April 8, 2016

/s/ Carol A. Lastorino

Carol A. Lastorino, Esq.